

Appl. No. 10/750,295
Amdt. dated May 24, 2006
Reply to Office Action of February 24, 2006

REMARKS/ARGUMENTS

Claims 1-35 were presented for the Examiner's consideration. Claims 26-35 are currently withdrawn. By this Amendment claim 1 is amended and claims 6, 14, and 22 are canceled. Hence, claims 1-5, 7-13, 15-21, and 23-25 are currently pending in the application. Support for this amendment is found in the Specification at page 24, line 35 through page 25, line 11, Figure 2, and the claims as originally filed. No new matter is added.

Pursuant to 37 C.F.R. 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

I. Claim Objection

Claim 22 is objected under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 22 has been canceled. Thus, the objection is moot. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

II. 35 U.S.C 112 Rejection

Claims 1, 14, and 22 are rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Regarding claim 1, the phrase "relatively short open time" has been deleted from the claim and replaced with "an open time between about 0.2 seconds and 1 minute" to more particularly define the claimed subject matter. Additionally, the term "meltblown" by itself has been replaced with "a layer which comprises a meltblown nonblocking agent".

The rejection of claim 22 is moot because claim 22 is now canceled.

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Regarding Claim 14, the limitations of claim 14 have been incorporated into independent claim 1 and have been amended to more particularly point out the location of the meltblown nonblocking agent. Thus, claim 14 is now canceled.

In view of the foregoing Amendments, it is believed that the 35 U.S.C. 112 rejection has been overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

III. 35 U.S.C. 103 Rejections

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stopper et al. The rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Stopper teaches a multi-layer composite containing at least one layer of a nonwoven fiber web and at least one layer of an elastomeric material, wherein the nonwoven web layer is joined to the elastic layer at spaced-apart locations and is gathered between said spaced-apart locations (See Abstract).

Stopper does not teach an elastic laminate comprising a layer which comprises a *meltblown nonblocking agent* deposited on an elastic layer as required by amended independent claim 1. The Office Action states that the meltblown fibers are deposited upon the elastic layer and that the meltblown fibers are analogous to the claimed meltblown nonblocking agent. However, it appears that Stopper discloses meltblown fibers *formed into* an elastic layer (See Col. 8, lines 16-19). There is no teaching that a layer comprising a meltblown nonblocking agent be *deposited on* the elastic layer. In fact, Stopper explicitly states that its composite comprises elastic and nonwoven layers (See Col. 8, lines 63-67 and Claim 1). There is no mention of a layer comprising a meltblown nonblocking agent in the Stopper reference.

Because Stopper does not teach an elastic laminate comprising a layer which comprises a *meltblown nonblocking agent* as required by amended independent claim 1, the rejection should be withdrawn. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

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Dependent claims 2-5, 7-13, 15-21, and 23-24 depend directly or indirectly from amended independent claim 1. Thus, because it is now believed that independent claim 1 is now in form for allowance, dependent claims 2-5, 7-13, 15-21, and 23-24, which incorporate all of the limitations of independent claim 1, should be allowed by extension. Accordingly, reconsideration and withdrawal of the rejection of the dependent claims is respectfully requested.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stopper, as applied to claim 1 above, and further in view of Desai et al.

As discussed above, Stopper does not teach an elastic laminate comprising a layer which comprises a *meltblown nonblocking agent* deposited on an elastic layer as required by amended independent claim 1.

Desai does not overcome the deficiencies of Stopper. Desai teaches a stretch composite having one or more elastomeric members disposed on at least one region of an extensible fibrous substrate to provide stretch properties to a targeted region of the substrate (See Abstract). Nowhere does Desai teach an elastic laminate comprising a layer which comprises a *meltblown nonblocking agent*.

Because Desai does not teach an elastic laminate comprising a layer which comprises a *meltblown nonblocking agent* deposited on an elastic layer as required by amended independent claim 1, and because Desai does not overcome the deficiencies of Stopper, the rejection should be withdrawn. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

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The undersigned may be reached at: 770-587-8620.

Respectfully submitted,

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